PRESERVED

App. F. IX-4

1936.
(97)

File No. 13-36

Previous References

Serial Nos. 1 2 2

Later References

P: 18.
F

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 W 2

Part B for September 1936.

SUBJECT.

Procedure to be adopted in the matter of payment of House Building advances to Officers for the Construction of houses on the Sites allotted to them by the Municipality in the Orders for Levision the Basavangudi in the absence of recognised title to the Sites

8 L 2.

No. 7L 1967 dt 22-9-1936.
To. The Comptroller

Jones owes

Serial No.

Letter no 69/Loans & 15/16 the July 36 from the Comptroller to Govt requesting orders in the matter of payment of H.B. advances to officers for the construction of houses on the sites allotted to them by the municipality in the new Extension in Basavangudi in the absence of recognised title to the sites in question.

1) It is stated that under the Condition of sale of sites by the municipality in the new extension in Basavangudi, the title deeds will be given to the parties Concerned only after the buildings are put up on the sites. But the deputy Com^r, Bangalore feels doubtful whether in the absence of title deeds, the sites may be mortgaged as according to Art 161 Para IX of the M.C.A.C. Vol I he has to satisfy himself that the officers Concerned hold recognised title to the sites. As under the conditions of the sale the allottee of the site does not acquire any right or title to the site until the building is completed, it is for orders whether Codal rules ~~may perhaps~~ be relaxed in this Case and as a special case the Govt officials may be permitted to draw the advances on the security of sites allotted to them provided the full value of the sites is paid up. A Script or some other document given at the time of sale will enable the Dy Com^r to know that the site

NOTE—Contn. Sheet.

683
p 286

115

File No. of 193 .

General and Revenue Secretariat

~~has been sold to the individual concerned~~

2) The Comptroller's suggestion whether the advances may be paid in such cases provided the municipal Commr attests the mortgage deed as a consenting witness on behalf of the municipality is also for consideration

Secy 24/7 1) The procedure followed in Mysore (vide B in Pt-D) may perhaps be adopted in Bangalore also. The opinion of the Law Section may be obtained in the first instance.

My 23/4/1936.

IW 28/7

Law Deptt with compliments)

4) Legally the title to the site vests only on the M'C' duly executing a Sale deed in accordance with the Stamp & Registration Regulations. Till then the legal ownership of the site rests only in the M'C'. Mere attestation by the M' Comr is not sufficient to create a valid hypothecation of the site in favour of govt. The mortgage deed has to be executed by both the official making the advance as well as by the M' Comr on behalf of the Municipality in accordance with Secs 251 & 252

245/2

687

Serial No.

27

Law

R&R

28/7

of the City. Mly Regl.
Asst Secy Fin
with Compts)

28/7

Submn. for orders

Mly 28/7

W.O. 6 / 11.8 36

W.O. & 22 D 12 Bg

5) Forwarded with compliments to the Comptroller for favour of remarks.

P.O.
K Venkatadri
for Fe: Secy

12.8.36

167/Spl

COMPTROLLER'S OFFICE
A.G.
12 AUG 1936

14/8

No. 195/Spl dated 24-8-36

U.O. No. 199 Revenue dated 21-8-36

6) Returned with compliments.

7) The imposition of the condition that title deeds to the purchasers of the sites would be issued by the Municipality only after buildings are constructed on them is perhaps, with a view to restrict speculation on the sale of sites and not to deny legal title to them and there may not be any objection to recognise the claim of Government even to sell them for realising advances made to its servants on the security of the sites as well as the superstructure thereon. The Mynicipal Commissioner and President at Bangalore and Mysore respectively may be required to be ~~party~~ parties to the mortgage bond as opined by the Law Department, so that the Government may acquire a paramount right on the site also and an order passed to this effect in consultation if necessary with the two Municipalities.

FINANCIARY
24 AUG
No.

A Rahman
Asst. Comptroller.

mrds.

NOTE—Contn. Sheet.

P.A.

8) The Bangalore & Mysore city Municipalities with., if approved be consulted, at ~~at~~ re at A in in para 7.

9 Subs: for words with reference to para 5 above.

Mr 27/9. M/27/9/36 H Secy) M/ 27/9

10 What is now required is to issue an order that in such cases the Municipal President etc will also be a Signatory to the Mortgage deed. This I think not necessary to consult the Municipalities in the matter - If the L.S.G Bar and Forthwith orders on over to this Effect may be issued.

Mr 27/9 M/ 27/9

L.S.G Bar. wic)

GOVT. OF MYSORE
H. & P.W. SECTT.
11 SEPT. 1936
B. B. 3
1064

1/ 29/8/36 M/PWW

11 The procedure obtaining in Mysore city seems to be a simple one and may perhaps be adopted in Bangalore city also.

12 If the Municipal Commissioner or the Municipal President as the case may be are also made to be parties to the contract if it seems necessary the opinions of the concerned officers should be obtained, as pointed out by the Comptroller in his note at

13 The question of amending Note 2 to Para IX of Article 161 of M.C.A.C Vol I so as to do away with the production of title deeds in such cases

may also be considered -

Rmr 3/9/36 Subject to orders.

1/ The procedure now obtaining in the Mysore Civ - as detailed at A in the P.W.D may perhaps be adopted in B'lore Civ also, the Estt being made by the Presdt of the B. C. M.

2/ If however the question of the Vice Presdt being a Signatory as suggested by the Jt Secy is to be ~~off~~ considered, it seems necessary to consult the Presidents before final orders are passed.

3/9/36

CHIEF 3 SEP. 1936

Ch: Secy) 1/ The procedure followed in Mysore seems simple and convenient. It may be followed in Bangalore also. It is not the duty that draws the house building advance and it would be straining the law too much to make the Mul. authorities parties to such transactions. When the full value of the Sites is paid for, the interests of both the duty and the Govt are sufficiently safeguarded. Should it become necessary to take action against the mortgagee in cases of default.

SECOND MEMBER OF COUNCIL. 4 SEPT 1936 NO. 1541

2nd member)

MS 3/9 JS 4/9

NLL 8/9/36

MR 8/9

Jt Secy)

8/9/36

NOTE—Contn. Sheet.

Construction of houses on sites in the new Extension in Basawangudi

97. File No. 13 of 1936

General and Revenue Secretariat

Subs with reference to para 10. Supra

7E Secy) 9/9

To Mr Dss n Rem also for perusal & remarks if any.

10/9.

9/9

On the question of law whether the procedure ~~supported~~ followed in respect of getting the hypothecation deed executed by the official when he has no legal title to the site hypothecated, I have no further remarks to offer. It is however apparent that the loan being for building a house on the site & ~~it is~~ to an official with the implied consent of the Municipality the likelihood of any difficulty arising is very remote.

Fin Secy) 10/9

A draft is put up for approval

7E Secy) 17/9

No 7E 1968 dt 22.9.36

To The Comptroller

2 spare copies —

TYPING SECTION
21 SEP. 1936
GENL & REV. SECTT.

- W2 Rajas

G.A. 13-36-1

Please quote reference
No. 69/Loans

Encl 3

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

Bangalore, dated 15th July 1936

FROM

A. N. RAGHAVACHAR, ESQ., M.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

FINANCIAL SECRETARY
17 JULY 1936
No.

To

S. Shamanna, Esq., B.A.,
Financial Secretary to the Govt. of Mysore,
Bangalore.

SIR,

In forwarding herewith a copy of letter No. H.B.44/35-36 dated 4-6-36 from the Deputy Commissioner, Bangalore District, together with a copy of the enclosure thereto, I have the honor to state as follows :-

House Building Advances have been sanctioned in several cases, to Government Officers, for the construction of houses on the sites allotted to them by the Municipality, in the recently formed Extension in Basavangudi. Under the conditions of sale, the title deeds will be given to the parties by the Municipality only after the buildings are put up on the sites. But the Deputy Commissioner, Bangalore -- District, who has to get the mortgage bonds executed by the Government officials to whom the House Building advances have been sanctioned, feels doubtful, whether in the absence of the title deeds, the sites purchased from the Municipality under the above conditions can be -- mortgaged as according to Para IX of Article 161 of M.C.A.C. Vol.I he has to satisfy himself that the individuals concerned hold - - recognised title to the sites.

2 The Municipal Commissioner who was addressed by the Deputy Commissioner in the matter, has however consented that Government officials may as a special case be permitted to draw the advances, on the security of the sites, provided the full value of the sites is paid up.

3 It is a point for consideration as to whether the House Building

advances may be paid in such cases, provided the Municipal Commissioner, attests the mortgage deeds, as a consenting witness, on behalf of the Municipality, in token of his consent for the -- sites being mortgaged to Government, as a security for the advance drawn by the parties.

4 The Deputy Commissioner, Mysore District, who was requested to intimate the procedure adopted by him in connection with the disbursement of House Building Advances to Government Officers for construction of houses on sites purchased from the Improvement Trust Board, has stated that advances are being permitted to be -- drawn on the strength of an endorsement from the Trust Board, to the effect that the full value of the sites have been received and that the Khate is made out in the names of the individuals concerned. Non encumbrance certificates are also obtained by him from the Sub Registrar before the advances are paid. A copy of the letter No. C3 4424/35-36 dated 27-6-36 is also herein enclosed for information.

5 Orders of Government may kindly be obtained in the matter and communicated early.

I have the honor to be,
Sir,
Your most obedient servant,

Comptroller.

PA

16.7.36

Letter No.C3 4424/35-36 dated 27-6-36 from the Deputy Commissioner, Mysore District, Mysore, to the Comptroller in Mysore, Bangalore.

With reference to your letter No.Loans 1094 dated 12/13th June 1936 in the matter of title deeds for sites in the extensions of the Mysore City, sold to Government Officers who - - mortgage the same to Government for drawing the House Building advances sanctioned to them, I have the honor to state that in respect of sites sold by the City Improvement Trust Board, Mysore the Government Officers who are sanctioned House Building advances are granted an endorsement from the Trust Board noting therein the allotment of sites to them together with particulars of boundaries thereof and stating therein that the full value of the sites allotted have been received by the Trust Board and that the khate of the said site has been made out in the name of the applicant &c.

It is on the strength of this endorsement and on the non-encumbrance certificate subsequently obtained from the Sub - Registrar, that the mortgage bonds are being got executed by the officials and permitted to draw ~~to~~ the advance.

A reference has also been made to the Chairman, City Improvement Trust Board, Mysore, enquiring if a formal title deed is not issued to the party till the building is constructed and whether any exception will be made in this matter in the case of Government Officers who are sanctioned House Building advances and as soon as his reply is received, a further communication will be sent.

Copy.

Superintendent
Comptroller's Office. 16.7.36.

PA

16.7.36

Letter No.H.B.44/35-36 dated 4th June 1936 from the Deputy Commissioner, Bangalore District, to the Comptroller in Mysore, Bangalore.

With reference to your Memo No. 985/Loans dated the 8th May 1936 forwarding copy of your letter No.984/Loans dated 8-5-36 to the -- Senior Surgeon in Mysore, Bangalore, intimating that G. Venkataramiah Compounder, Ganigarpet Local Fund Dispensary, may be allowed to draw the House Building Advance sanctioned to him by the Senior Surgeon I have the honor to state as follows :-

Site No.141 in the newly formed extension near Poor House Block Basavangudi, has been granted to G. Venkataramiah to whom the advance has been sanctioned under conditions noted in the enclosed application As per rules 2 and 3 of the conditions the allottee of the site does not acquire any right and title to the site until the building is completed and without a clear title to the site under note 2 to para IX of Article 161 of Mysore Civil Account Code Volume I the house building advance can be sanctioned only when the party owns the site.

In the circumstances, it is doubtful whether the advance may be disbursed to the allottee though the party has paid the full value of the site and the Municipal Commissioner, Bangalore City Municipality has intimated that the amount of advance may be permitted to be drawn A copy of the letter of the Municipal Commissioner is also sent herewith for your reference.

I request to be informed of your opinion in the matter immediately as there are many such cases pending in this office.

Copy

Superintendent
Comptroller's Office. 16-7-36

PA

16.7.36

Letter No.A7-523/34-35 dated 29th May 1936 from the Municipal Commissioner, Bangalore City, to the Deputy Commissioner Bangalore District -

---

With reference to your letter No. H.B. 44/35-36 dated 2nd May 1936 ascertaining whether the building advance sanctioned to G. Venkataramiah, Compounder, Ganigarpet Local Fund Dispensary on the security of site No.141 in the newly formed extension near Poor House Block, Basavangudi may be disbursed to him, I have the honor to state that as a special case the Government officials may be permitted to draw the building advances in the Government on the security of the sites allotted to them in the above extension only after the payment of the full value thereof. As G. Venkataramiah, allottee of site No. 141 has paid the full value he may be permitted to draw the amount sanctioned to him. The final title deed will be given only after the building is put up on the site in all cases.

Copy

Superintendent 16.7.36
Comptroller's Office.

PA

16.7.36

245/21

Lay

Land Acq. 187

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

In reply please quote reference to No. 87/Loans.

FINANCIAL SECRETARY 8 AUG No.

COMPTROLLER'S OFFICE, BANGALORE,

Dated the 6th August *1936*

FINANCIAL 539 -8 AUG 1936 GENL & REV. SECT.

The Financial Secretary to Government,
Bangalore.

Sir,

In continuation of this office letter No.69/Loans (~~Enc.5~~) dated 2/14/1936-1936 regarding the disbursement of House Building Advance to Government servants on the security of sites etc., I have the honour to forward herewith copy of letter No.C3.4424/35 dated 18/20-7-1935 together with its enclosure received from the Deputy Commissioner, Mysore District.

I have the honour to be
Sir,
Your most obedient servant,

Raghunathan
7/8
For Comptroller.

KR)

7.8.36

Letter No. 69/Loans, dated 15th/16th July 1936, from the Comptroller to Government, to the Financial Secretary to Government, Bangalore.

In forwarding herewith a copy of letter No.H.B.44/35-36 dated 4-6-36 from the Deputy Commissioner, Bangalore District, together with a copy of the enclosure thereto, I have the honour to state as follows:-

House Building Advances have been sanctioned in several cases, to Government Officers, for the construction of houses on the sites allotted to them by the Municipality, in the recently formed extension in Basavangudi. Under the conditions of sale, the title deeds will be given to the parties by the Municipality only after the buildings are put up on the sites. But the Deputy Commissioner, Bangalore District, who has to get the mortgage bonds executed by the Government officials to whom the House Building Advances have been sanctioned, feels doubtful, whether in the absence of the title deeds, the sites purchased from the Municipality under the above conditions can be mortgaged as according to Para IX of Article 161 of M.C.A.C. Vol.I, he has to satisfy himself that the individuals concerned hold recognised title to the sites.

2. The Municipal Commissioner who was addressed by the Deputy Commissioner in the matter, has however consented that Government officials may as a special case be permitted to draw the advances, on the security of the sites, provided the full value of the sites is paid up.

3. It is a point for consideration as to whether the House Building advances may be paid in such cases, provided the Municipal Commissioner attests the mortgage deeds, as a consenting witness, on behalf of the Municipality, in token of his consent for the sites being mortgaged to Government, as a security for the advance drawn by the parties.

4. The Deputy Commissioner, Mysore District, who was requested to intimate the procedure adopted by him in connection with the

disbursement of House Building Advances to Government Officers for construction of houses on sites purchased from the Improvement Trust Board, has stated that advances are being permitted to be drawn on the strength of an endorsement from the Trust Board, to the effect that the full value of the sites have been received and that the Khate is made out in the names of the individuals concerned. Non encumbrance certificates are also obtained by him from the Sub Registrar before the advances are paid. A copy of the letter No. C.3. 4424/35-36 dated 27-6-36 is also herein enclosed for information.

5. Orders of Government may kindly be obtained in the matter and communicated early.

"Copy"

Letter No. Fl. 1967 G.F., dated 21st/22nd September 1939, from the Financial Secretary to Government of Mysore, Bangalore, to the Comptroller to Government, Bangalore.

With reference to your letter No. 69/Loans, dated 15/16th July 1936, requesting orders of Government in the matter of disbursement of House Building advances to Government Officers for the construction of houses on sites allotted to them by the Municipality in the recently formed extension in Basavangudi and the execution of mortgage bonds by such officials, I am directed to convey the approval of Government to the procedure obtaining in Mysore as explained in para 4 of your letter adverted to and to state that following that procedure the officials referred to above may be permitted to draw the House Building advances on the strength of an endorsement from the Municipal President, Bangalore, to the effect that the full value of the sites has been received and that the khate is made out in the names of the individuals concerned, non-encumbrance certificate being obtained before the advances are paid.

"Copy"

Letter No.C3.4424/35 dated 18/20-7-1936 from the Deputy Commissioner, Mysore District to the Comptroller to Government.

In continuation of my letter No.C3.4424/35 dated the 27th ultimo, regarding the disbursement of house building advances to Government servants on the security of sites allotted to them by the Trust Board, I have the honour to forward herewith a copy of letter No.42 dated the 7th instant received from the Chairman, City Improvement Trust Board, Mysore, together with its enclosure, stating that according to the terms of the Mutchalika, title deeds will be issued after buildings are constructed on the sites, and that there is no provision therein to make any exemption in this matter in the case of Government Officials.

Letter No.42 dated 6th July 1936 from the Chairman, City Improvement Trust Board, Mysore, to the Deputy Commissioner, Mysore District, Mysore.

With reference to your letter No. C.3/4424 dated 19th and 24th June 1936 in the matter of issuing title deeds in the case of Government officials who have to mortgage sites to Government to get house-building advances sanctioned to them I have the honour to state that under the terms of the Mutchalika which every purchaser of site has to execute in accordance with the rules sanctioned in Government Order No.8055-8/Ml.127-18-2 dated 31st December 1918 the title deed will be issued to the purchaser only after a building is fully constructed on the site as per approved plans.

A copy of the said Mutchalika is enclosed for reference.

There is no provision in the rules to make any exemption in this matter in the case of Government officials.

Copy

7.8.36.
Superintendent
M.a-d
KM 7.8.36

Appendix F G—1]

SUBJECT.....

.....

.....

Section C. 7

File No. 13-36

Serial No. 2

Diary No. of letter replied to..... .....

No. Re 967

To

The Comptroller to Govt

Sir,

General and Revenue Secretariat

( )

the *193*

With reference to your letter no 69/ Loans & 15/16 th July 36 requesting orders of Govt in the matter of disbursement of House building advances to Govt officers for the construction of houses on sites allotted to them by the Municipalities in the recently formed extension in Bangalore and the execution of mortgage bonds by such officials, I am directed to convey the approval of Govt to the procedure obtaining in Mysore as explained in para 4 of your letter adverted to, and to state that the following procedure be followed by the Officials referred to above may be

Date of issue..... 22/9

Signed by .....

List of enclosures.....

Copied by .....

Examined by.....

permitted to draw the House building
advances on the strength of an
endorsement from the Municipal
President, Bangalore to the effect
that the full value of the sites has
been received and that the Khata is
made out in the names of the
individuals concerned, Non-encumbrance
Certificate being obtained by them
before the advances are paid

I have the
1879 Financial Secty 1879
1968 16/9-1879
Copy to the Dy Comr Bangalore

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 21st September 193 6

No. Fe 1987
G.7

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Comptroller to Government,
Bangalore.

Sir,

With reference to your letter No.69/Loans, dated 15/16th July 1936, requesting orders of Government in the matter of disbursement of House Building advances to Government Officers for the construction of houses on sites allotted to them by the Municipality in the recently formed extension in Basavangudi and the execution of mortgage bonds by such officials, I am directed to convey the approval of Government to the procedure obtaining in Mysore as explained in para 4 of your letter adverted to and to state that following that procedure the officials referred to above may be permitted to draw the House Building advances on the strength of an endorsement from the Municipal President, Bangalore, to the effect that the full value of the sites has been received and that the khata is made out in the names of the individuals concerned, non-encumbrance certificate being obtained before the advances are paid.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- S. Shamanna,

Financial Secretary to Government.

Memo No. Fe 1968

Copy of the above is forwarded with compliments to the Deputy Commissioner, Bangalore District.

By Order,

K Venkata Rao
for Financial Secretary to Government.

T.S.3